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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1096 OF 2008**

Kamlesh Ramanlal Sanghavi	...Petitioner
<i>And</i>	
Vimlaxmi Ramanlal Sanghvi	...Deceased

Mr. Anant R. Bapat, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 13th October 2016

PC:-

1. Mr. Bapat has recently come on record. He accepts that there has been a gross delay on the part of the previous Advocate. That is apparent. The Petition is of 2008. It was dismissed in 2011.

2. Mr. Bapat points out that there are very large number of objections/requisitions and that he need leave to amend the Petition. These amendments, in his anticipation, are likely to be extensive. Mr. Bapat also states that in all likelihood the other heirs will consent.

3. Having regard to the totality of circumstances, I think it would be in the Petitioner's best interest if I permit Mr. Bapat to withdraw this Petition with liberty to file a fresh Petition for the

same relief or order, and further direct that the entire court fees paid on this Petition are to be fully adjusted or treated as paid for the subsequent Petition to be filed for probate or Letters of Administration with Will annexed in respect of the same Will.

4. Leave granted with liberty as prayed. Petition allowed to be withdrawn with leave to file a fresh petition for probate or Letters of Administration with Will Annexed of the same Will. The fresh Petition will reference the same Will that has been deposited in Court along with the present Petition. The full amount of the Court Fees paid on the present Petition is to be adjusted against the Court fees payable on the fresh Petition. It is clarified that the fresh filing is necessary only for convenience of the parties and the Court and to avoid any possibility of error or misunderstanding.

5. Mr. Bapat states that he will be able to file a fresh Petition by 2nd December 2016. Should an extension of time be required, Mr. Bapat will be at liberty to apply.

6. All concerned to act on an authenticated copy of this order. Drawn up order dispensed with.

(G. S. PATEL, J.)